

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
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4 Barbara Ruth Cram,  
5 Plaintiff  
6 v.  
7 U.S. Interior,  
8 Defendant  
9

Case No.: 2:16-cv-02870-JAD-CWH

**Order Adopting Report and  
Recommendation Dismissing Case with  
Prejudice, and Denying Remaining  
Motions as Moot**

**[ECF Nos. 3-8, 11]**

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11 Pro se plaintiff Barbara Ruth Cram sues the “U.S. Interior.”<sup>1</sup> Cram alleges that she and her  
12 newborn baby were both stabbed, beheaded, and murdered by “subject[s]” she describes as  
13 “ventriloquists [that] sound like each other and have white hair,” who “work in corrections,” and are  
14 “members of a roving gang.”<sup>2</sup> Cram explains that she was delayed in bringing her complaint because  
15 she “was raped at [her] home 1200 times, [was] kidnapped daily . . . [and] was shot over 100 times  
16 in the head while trying to bring this case.”<sup>3</sup> Cram requests \$5,000,000 in damages.<sup>4</sup>

17 Magistrate Judge Bill Hoffman granted Cram’s application to proceed *in forma pauperis*, but  
18 recommends that Cram’s complaint be dismissed with prejudice and that all pending motions in the  
19 case be denied as moot because Cram’s allegations “describe fantastic and delusional scenarios and  
20 do not state a claim upon which relief can be granted.”<sup>5</sup> In so recommending, Magistrate Judge

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22 <sup>1</sup> ECF No. 1-2 at 1–19.

23 <sup>2</sup> *Id.* at 1–3, 5–11.

24 <sup>3</sup> *Id.* at 15.

25 <sup>4</sup> *Id.* at 18–19.

26 <sup>5</sup> ECF No. 7 (citing *Lopez v. Smith*, 203 F.3d 1122, 1126 (9th Cir. 2000) (stating that a district court is  
27 not required to provide leave to amend a complaint if the complaint could not possibly be cured by the  
28 allegation of other facts)).

1 Hoffman references the above-cited factual allegations from Cram’s complaint, along with other  
2 allegations made by Cram in the disjointed 19-page affidavit she attached to her complaint.<sup>6</sup> Cram  
3 timely objects.<sup>7</sup>

4 In her objection, Cram raises additional incoherent allegations of “guarding judges,” “Janet  
5 Reno’s home,” “the Secretary of State,” “the U.S. President[,] and more than one senator that  
6 became president.”<sup>8</sup> Cram also cites previous work she allegedly performed as “a secret service  
7 agent,” as well as accomplishments that she has allegedly achieved, such as passing a “review by the  
8 Senate Intelligence Committee for [her] work performance.”<sup>9</sup> Cram then states, “I assure you I do  
9 not want to be delusional or frivolous in court,” before describing throughout the remainder of her  
10 37-page objection another gruesome tableau of “baby massacre[s],” disembowelments, repeated  
11 murders of herself and babies, graphic sexual and physical assaults on her and babies, being  
12 “beheaded 10 times,” and dying 10 times before being resurrected.

13 Only two brief portions of Cram’s objection even purport to challenge Magistrate Judge  
14 Hoffman’s Report and Recommendation. First, at page 17, Cram disputes the magistrate judge’s  
15 quote from her complaint that she was raped “1200 times.”<sup>10</sup> Cram asserts that instead, she “ha[s]  
16 been raped about 1500 times[,] . . . was knifed hundreds of times during [the] rape[s,] and died  
17 sometimes to be raised[,] . . . [only] to be later dropped on the freeway in the travel lanes to die  
18 under cars.”<sup>11</sup> Second, Cram asserts that she is “requesting 40 million dollars for everything and still  
19 know[s] what these things are worth. My 5 million was so low that it could be settled by you easily  
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22 <sup>6</sup> *See id.* at 2.

23 <sup>7</sup> ECF No. 10.

24 <sup>8</sup> *Id.* at 1–3.

25 <sup>9</sup> *Id.*

26 <sup>10</sup> *Id.* at 17.

27 <sup>11</sup> *Id.*

1 and you could let me know what you think if it wasn't enough."<sup>12</sup> Cram supports her increased  
2 demand for money damages by asserting for the first time that "[t]here is also the death of  
3 approximately 1,000 infants in association with the violent crime [she] described."<sup>13</sup>

4 "A judge of the court shall make a *de novo* determination of those portions of the  
5 [magistrate judge's] report or specified proposed findings or recommendations to which objection is  
6 made."<sup>14</sup> "The statute makes it clear that the district judge must review the magistrate judge's  
7 findings and recommendations *de novo* if objection is made, but not otherwise."<sup>15</sup> "A judge of the  
8 court may accept, reject, or modify, in whole or in part, the findings and recommendations made by  
9 the magistrate judge."<sup>16</sup>

10 Upon granting a request to proceed *in forma pauperis*, the court must screen the complaint  
11 under 28 U.S.C. § 1915(e)(2). In screening the complaint, the court must identify cognizable claims  
12 and dismiss claims that are frivolous, malicious, fail to state a claim on which relief may be granted,  
13 or seek monetary relief from a defendant who is immune from such relief.<sup>17</sup> A complaint is frivolous  
14 if it contains "claims whose factual contentions are clearly baseless," such as "claims describing  
15 fantastic or delusional scenarios."<sup>18</sup>

16 Dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2) incorporates the standard  
17 for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6).<sup>19</sup> To survive § 1915  
18 review, a complaint must "contain sufficient factual matter, accepted as true, to state a claim for  
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20 <sup>12</sup> *Id.* at 19.

21 <sup>13</sup> *Id.* at 19–20.

22 <sup>14</sup> *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (quoting 28 U.S.C. § 636(b)(1)(c)).

23 <sup>15</sup> *Id.*

24 <sup>16</sup> 28 U.S.C. § 636(b)(1)(c).

25 <sup>17</sup> 28 U.S.C. § 1915(e)(2).

26 <sup>18</sup> *Neitzke v. Williams*, 490 U.S. 319, 327–28 (1989).

27 <sup>19</sup> *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012).

1 relief that is plausible on its face.”<sup>20</sup> The court liberally construes pro se complaints and may only  
2 dismiss them “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of  
3 [her] claim which would entitle [her] to relief.”<sup>21</sup>

4 Here, Magistrate Judge Hoffman recommends dismissal of this case with prejudice and  
5 denying all remaining motions as moot because Cram’s complaint alleges only delusional and  
6 frivolous allegations and fails to state a claim for relief that is plausible on its face. I agree. Cram’s  
7 complaint lacks any plausible factual allegations and is replete with delusional and frivolous claims.  
8 Having reviewed *de novo* those portions of the Report and Recommendation that Cram objects to, I  
9 find no error. Cram’s only objections to the Report and Recommendation purport to: (1) correct  
10 implausible facts from her complaint; and (2) seek my advice on whether a \$40 million demand for  
11 money damages is more appropriate than her original \$5 million demand. I am not persuaded by  
12 Cram’s objections because they are delusional, frivolous, and purport to seek my advice on a legal  
13 matter, which I cannot give. Thus, the only reasons provided by Cram for objecting to Magistrate  
14 Judge Hoffman’s Report and Recommendation fail.

15 Accordingly, and with good cause appearing,

16 It is hereby ORDERED that Magistrate Judge Hoffman’s Report and Recommendation [ECF  
17 No. 7] is **ACCEPTED and ADOPTED**. It is further ORDERED, ADJUDGED, AND DECREED  
18 that Cram’s Complaint is **DISMISSED with prejudice** and all pending motions [ECF Nos. 3, 4, 5,  
19 6, 8, 11] are **DENIED** as moot. The Clerk of Court is directed to **CLOSE THIS CASE**.

20 DATED April 24, 2017.

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23 Jennifer A. Dorsey  
24 United States District Judge  
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26 <sup>20</sup> See *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

27 <sup>21</sup> *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*, 556 U.S. at 678).